

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Colin Gardner	Team: Squad #11	CCRB Case #: 201509922	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/20/2015 6:50 PM	Location of Incident: 99th Street between Horace Harding Expy and 57th Avenue	Precinct: 110	18 Mo. SOL 5/20/2017	EO SOL 5/20/2017	
Date/Time CV Reported Fri, 11/20/2015 6:54 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 11/20/2015 6:54 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Sanchez	23298	948129	110 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brian Leguernic	20915	943474	110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Sanchez	Abuse: PO Christopher Sanchez threatened to arrest § 87(2)(b)	
B.POM Christophe Sanchez	Discourtesy: PO Christopher Sanchez spoke discourteously to § 87(2)(b)	
C.POM Christophe Sanchez	Abuse: PO Christopher Sanchez questioned § 87(2)(b)	

Case Summary

On November 20, 2015, at approximately 6:50 p.m., § 87(2)(b) was driving with his girlfriend, § 87(2)(b) and § 87(2)(b) old son, § 87(2)(b) when he was pulled over by PO Christopher Sanchez and PO Brian Leguernic from the 110th Precinct on 99th Street between Horace Harding Expressway and 57th Avenue, in Queens. PO Sanchez threatened to arrest § 87(2)(b) for impersonating a police officer (**Allegation A**). PO Sanchez allegedly said, “Honestly, I don’t give a fuck what you drive,” to § 87(2)(b) during this incident (**Allegation B**), and PO Sanchez also questioned § 87(2)(b) about the existence of weapons in his vehicle (**Allegation C**). § 87(2)(b) was not arrested or issued a summons regarding this incident.

There is no video footage for this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) did not file a Notice of Claim regarding this incident (see **Board Review 7**).

Civilian and Officer CCRB Histories

- This was the first CCRB complaint filed by § 87(2)(b) (see **Board Review 5**).
- PO Christopher Sanchez has been a member of the service for 7 years and there are no substantiated CCRB allegations against him.

Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(g) [REDACTED]
[REDACTED]

Allegation A- PO Christopher Sanchez threatened to arrest § 87(2)(b)

Allegation C - PO Christopher Sanchez questioned § 87(2)(b)

It is undisputed that when § 87(2)(b) was pulled over, he informed PO Sanchez that he was “MOS” (Member of the Service), or “a New York City Police Officer.” § 87(2)(b) provided his Department of § 87(2)(b) Police identification card. PO Sanchez told § 87(2)(b) that he was not the New York City Police. § 87(2)(b) continued to dispute that he was a New York City Police officer.

§ 87(2)(b) stated that PO Sanchez told § 87(2)(b) “I can arrest you right now for impersonating a police officer.” § 87(2)(b) told PO Sanchez that he did not say he was an NYPD officer and that he was not impersonating anyone. § 87(2)(b) argued with PO

Sanchez about his employment title and acknowledged that he was a peace officer with the power to arrest and write summonses.

§ 87(2)(b) also provided PO Sanchez with an access card from his employer and then PO Sanchez walked back to the police vehicle with PO Leguernic. PO Sanchez returned to § 87(2)(b) vehicle and handed back § 87(2)(b) his forms of identification, and then PO Sanchez asked § 87(2)(b) “Do you have anything in this car that you shouldn’t have?” § 87(2)(b) remained silent, and then PO Sanchez asked § 87(2)(b) “Are you carrying?” § 87(2)(b) told PO Sanchez that he was not carrying a firearm, and PO Sanchez provided penal law codes he thought prohibited officers from § 87(2)(b) department from carrying firearms (see Board Review 1).

§ 87(2)(b) stated that PO Sanchez told § 87(2)(b) “I am a cop, and I could arrest you right now if I wanted to.” § 87(2)(b) also heard PO Sanchez clarify that he could arrest § 87(2)(b) for impersonating a police officer because § 87(2)(b) did not work for the NYPD. § 87(2)(b) heard § 87(2)(b) continue to argue with PO Sanchez that he was a police officer who works for the City of New York while she conversed with PO Leguernic. § 87(2)(b) did not state there was a discussion about whether or not there was a weapon in the car (see Board Review 2).

PO Sanchez stated that after § 87(2)(b) continued to argue that he was a New York City Police Officer, he asked § 87(2)(b) if he had a firearm. PO Sanchez asked this question because § 87(2)(b) identified himself as a New York City Police Officer and he wanted to remain cautious since he did not know who § 87(2)(b) was at this point. § 87(2)(b) stated he did not have a firearm with him on that day and continued to tell PO Sanchez he was a New York City Police Officer. § 87(2)(b) did not say that he worked for the Department of § 87(2)(b), and § 87(2)(b) did not clarify that he was not a New York City Police Officer throughout the entire incident. PO Sanchez walked back to the police vehicle to verify that all the forms of identification § 87(2)(b) provided actually belonged to § 87(2)(b). PO Sanchez returned to § 87(2)(b) vehicle and explained to § 87(2)(b) that he was not a New York City Police Officer, and that § 87(2)(b) is a peace officer who works for the Department of § 87(2)(b). PO Sanchez also explained that § 87(2)(b) stating he was a New York City Police Officer was, “borderline impersonation of an officer.” PO Sanchez asked § 87(2)(b) if he understood his status as a peace officer after PO Sanchez’ explanation and § 87(2)(b) acknowledged that he understood (see Board Review 3).

PO Leguernic was standing on the passenger side of § 87(2)(b) vehicle throughout the entire conversation between § 87(2)(b) and PO Sanchez, but he did not hear their entire conversation. PO Leguernic heard § 87(2)(b) tell PO Sanchez, “Oh, I’m a cop”, and also heard PO Sanchez say, “You’re not a police officer.” PO Leguernic heard PO Sanchez tell § 87(2)(b) that he could be arrested in the wrong situation for stating that he was a police officer, but PO Leguernic did not hear PO Sanchez say, “I can arrest you right now for impersonating a police officer.” PO Leguernic spoke with PO Sanchez inside of the police vehicle about the legitimacy of § 87(2)(b) identification from the Department of § 87(2)(b), and PO Leguernic believed it was legitimate. PO Leguernic heard PO Sanchez tell § 87(2)(b) “I am a police officer, and you’re a peace officer,” and PO Leguernic also heard PO

Sanchez explain the differences between the two. PO Leguernic did not hear PO Sanchez ask § 87(2)(b) if he had any weapons on him (see **Board Review 4**).

According to NYS penal law code *S 190.26*, a person is guilty of impersonation in the first degree when they pretend to be a police officer by expressing in words or actions that he or she is acting with the approval of any police department (see **Board Review 11**). According to *The People v. Battaglia*, if police officers conclude there was false identification, they possess founded suspicion of criminality which justifies a common-law inquiry to request a search of a vehicle (see **Board Review 13**). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

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Allegation B - PO Christopher Sanchez spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that PO Sanchez told him, “Honestly, I don’t give a fuck what you drive,” when § 87(2)(b) asked PO Sanchez if the reason he was angry was because of the car § 87(2)(b) was driving. § 87(2)(b) was conversing with PO Leguernic from the passenger seat during the conversation between § 87(2)(b) and PO Sanchez and she did not state that she heard § 87(2)(b) ask PO Sanchez why he was angry, and she did not state that she heard PO Sanchez use any profanity or say “Honestly, I don’t give a fuck what you drive.” § 87(2)(b) was uncooperative with providing a verified statement regarding this incident (see **Board Review 15**).

PO Sanchez denied saying, “Honestly, I don’t give a fuck what you drive,” to § 87(2)(b) during this incident. PO Leguernic did not hear PO Sanchez say this phrase or use any profanity during this incident. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____

	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date